

JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David D. Brandt et al.

Serial No.: 10/831,826

Filed: April 26, 2004

For: MULTI-FUNCTION INTEGRATED
AUTOMATION CABLE CONNECTOR
SYSTEM AND METHOD

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Group Art Unit: Unassigned

Examiner: Unassigned

Atty. Docket: ALBR:0136/YOD/VYA
03AB149

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
December 17, 2004 Date	 Manish Vyas

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

This paper is in response to the Notice to File Missing Parts of a Non-provisional Application that was mailed on October 15, 2004. In the Notice to File Missing Parts, the Patent and Trademark Office (PTO) indicated that Applicants have failed to provide a properly executed Declaration in regard to the above-referenced patent application. Specifically, it appears that the PTO is asserting that the oath or declaration is missing. Furthermore, the PTO requested that Applicants provide a properly executed Declaration and pay a late-filing fee in order to avoid abandonment of the above-referenced application and to facilitate entry of the newly provided Declaration. Applicants, however, respectfully assert that a properly executed Declaration was filed with the PTO on September 15, 2003. Accordingly, Applicants respectfully assert that the above-referenced application was complete when filed and, as such, the Notice to File Missing Parts was sent in error.

On September 9, 2003, David D. Brandt and Wayne H. Wielebski, the inventors of the above-referenced patent application, executed a Declaration in regard to the present application. A true and correct copy of this executed Declaration is provided herewith as Exhibit "A." Applicants submitted this Declaration to the Patent and Trademark Office (PTO) on September 15, 2003, as evidenced by the Utility Patent Transmittal, a copy of which is attached hereto as Exhibit "B." Furthermore, receipt of this Declaration by the PTO is evidenced by the Return Receipt Postcard, a copy of which is attached hereto as Exhibit "C." In accordance with M.P.E.P. § 503, "[a] postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." With regard to the present application, the Return Receipt Postcard, a copy of which is attached hereto as Exhibit "C," indicates that a combined Declaration and Power of Attorney was filed with the PTO on September 15, 2003. Furthermore, the date stamped on the back of the postcard establishes a *prima facie* case that the Declaration was filed with the PTO on September 15, 2003.

Furthermore, Applicants address the PTO's assertion that the respective residences of the named inventors were not provided. Specifically, in the Filing Receipt the PTO noted that a residence for David D. Brandt and Wayne H. Wielebski were not provided. However, Applicants note that the originally filed Declaration (Exhibit "B") lists the residence address of both David D. Brandt and Wayne H. Wielebski. Accordingly, Applicants respectfully assert that residence addresses for the inventors of the present application were properly provided.

Thus, as evidenced by the forgoing Exhibits, a properly executed Declaration was filed with the PTO on September 15, 2003. Based on the foregoing, Applicants respectfully assert that the Notice to File Missing Parts was transmitted in error. Accordingly, Applicants respectfully request that the PTO withdraw the Notice to File missing Parts. Furthermore, Applicants provide herewith a clean copy of the previously submitted Declaration. Accordingly, if the PTO is unable to find the previously filed Declaration Applicants respect entry of this Declaration into the file without the late-filing surcharge as set forth in 37 C.F.R. § 1.16 (e).

GENERAL AUTHORIZATION OF FEES

Accordingly, based on the forgoing, Applicants respectfully assert that an extension of time for responding to the Notice of Missing Parts is not due, because the Notice was sent in error.

Although Applicants do not believe that any fees are due at this time, Applicants, nonetheless, authorize the Commissioner to charge Deposit Account No. 01-0857; Order No. 04RE040/YOD/VYA (ALBR:0136) any and all fees deemed necessary for the prosecution for the present patent application.

CONCLUSION

If the initial Examiner believes that a telephonic interview will expedite the present application, the initial Examiner is sincerely invited to contact Applicants' representative at the number listed below.

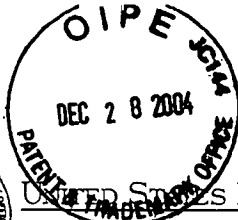
Respectfully submitted,



Date: December 17, 2004

Manish Vyas
Reg. No. 54,516
FLETCHER YODER
P.O. Box 692289
Houston, Texas 77269-2289
(281) 970-4545

CORRESPONDENCE ADDRESS
ALLEN-BRADLEY COMPANY, LLC
Patent Department/704P Floor 8 T-29
1201 South Second Street
Milwaukee, Wisconsin 53204
Attention: Mr. Alexander Gerasimow
Phone: (414) 382-2000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 Alexandria, Virginia 22313-1450
 www.uspto.gov

YOD

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/831,826	04/26/2004	Chuong Huy Nguyen	04RE040/YOD REEL:0061

CONFIRMATION NO. 2378

FORMALITIES LETTER



OC00000013386210

Alexander M. Gerasimow
 Allen-Bradley Company, LLC
 1201 South Second Street
 Milwaukee, WI 53204-2496

Date Mailed: 07/29/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Chuong Huy Nguyen
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

W. Duong

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Please place a plus sign (+) inside this box →



PTO/SB/05 (12/97)
Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.	03AB149/YOD ALBR:0136	Total Pages	91
	First Named Inventor or Application Identifier David D. Brandt			
	Express Mail Label No.	EL 982 235 248 US		

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents.</small>		ADDRESS TO: Commissioner for Patents P.O. Box 1450, Mail Stop Patent Application Alexandria, VA 22313-1450	
1. <input checked="" type="checkbox"/> Fee Transmittal Form <small>(Submit an original, and a duplicate for fee processing)</small>	6. <input type="checkbox"/> Microfiche Computer Program (Appendix)	EL 982235248US	
2. <input checked="" type="checkbox"/> Specification Total Pages 39 <small>(preferred arrangement set forth below)</small> -Descriptive -Cross References to Related Application -Statement Regarding Fed sponsored R & D -Reference to Microfiche Appendix -Background of the Invention -Brief Summary of the Invention -Brief Description of the Drawings (if filed) -Detailed Description -Claim(s) -Abstract of the Disclosure	7. Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small> a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies		
3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) Total Sheets 14 Total Pages 42	8. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))		
4. Oath or Declaration a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37CFR 1.63(d)) <small>(for continuation/divisional with Box 17 completed)</small> [Note Box 5 below] i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small>	9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney <small>(where there is an assignee)</small>		
5. <input type="checkbox"/> Incorporation By Reference <small>(useable if Box 4b is checked)</small> <small>The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</small>	10. <input type="checkbox"/> English Translation Document (if applicable)		
17. <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No: _____ / _____	11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations		
18. CORRESPONDENCE ADDRESS			
<input type="checkbox"/> Customer Number or Bar Code Label <input checked="" type="checkbox"/> Correspondence address below <small>(Insert Customer No. or Attach bar code label here)</small>			
NAME: Alexander M. Gerasimow Allen-Bradley Company, LLC			
ADDRESS: 1201 South Second Street			
CITY: Milwaukee, STATE: Wisconsin ZIP CODE: 53204-2496			
COUNTRY: USA TELEPHONE: (414) 382-5885 Fax: (414) 382-3900			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Mail Stop Patent Application, Alexandria, VA 22313-1450.



Please indicate receipt of
the below-identified paper:

☒ New Application ☒ Specification: 39 Pages; Drawings: 14 Sheets

☐ Continuation ☐ Divisional ☐ CIP ☐ CPA

☐ Response to Office Action dated _____ ☐ Final Rejection

☒ Other Utility Patent Application Transmittal; Fee Transmittal; PTO-1450

Combined Declaration & Power of Attorney; 3 sets of formal drawings;

☒ Assignment enclosed ☐ Cert. Of Timely Mailing ☒ Express Mail

Identification of Application:

Serial No. Unassigned

Title MULTI-FUNCTION INTEGRATED AUTOMATION CABLE
CONNECTOR SYSTEM AND METHOD

Applicant David D. Brandt et al.

Client Rockwell

File No. ALBR:0136/03AB149

Attorney YOD

Mailed 09/15/03 Filed _____

Due Date _____

BEST AVAILABLE COPY

RECEIVED

SEP 29 2003

Fletcher Yoder

FLETCHER YODER
P.O. BOX 692289
HOUSTON, TX 77269-2289



22154 U.S. PTO

10/662912



09/15/03

